

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RONALD GEATHERS,

Plaintiff,

v.

1:14-cv-00850-WSD

BANK OF AMERICA, N.A.,

Defendant.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Alan J. Baverman's Non-Final Report and Recommendation [17] ("R&R"), recommending that Defendant Bank of America, N.A.'s ("Defendant") Motion to Dismiss the Complaint be denied as moot [5].

On March 25, 2014, Plaintiff Ronald Geathers ("Plaintiff") filed against Defendant a wrongful foreclosure action, in which Plaintiff asserted various claims based on federal and state law. On April 15, 2014, Defendant moved to dismiss the Complaint under Rule 8(a) and Rule 12(b)(6) of the Federal Rules of Civil Procedure. On May 15, 2014, Plaintiff, now represented by counsel, filed a Motion to Amend the Complaint. On October 9, 2014, the Magistrate Judge granted Plaintiff's Motion to Amend the Complaint, and recommended that the


Court deny Defendant's Motion to Dismiss the original Complaint because Plaintiff's Amended Complaint supersedes his original Complaint. See Malowney v. Fed. Collection Deposit Grp., 193 F.3d 1342, 1345 n.1 (11th Cir. 1999) (noting that "[a]n amended complaint supersedes the original complaint."). Defendant did not object to the R&R, and the Court reviews its findings for plain error. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

Having found no plain error in the Magistrate Judge's findings and recommendation, Defendant's Motion to Dismiss the Complaint is denied as moot.

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Alan J. Baverman's Non-Final Report and Recommendation is **ADOPTED** [17], and Defendant's Motion to Dismiss the Complaint is **DENIED AS MOOT** [5].

SO ORDERED this 26th day of January, 2014.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE